



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,404	01/22/2004	Gianni Borghi	U 015004-1	4536

7590
Clifford J. Mass
Ladas & Parry
26 West 61 Street
New York, NY 10023

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
----------	--------------

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/763,404

Applicant(s)

BORGHI, GIANNI

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gambini (EP 0898096).

Gambini discloses an automatic, mechanical, continuously variable transmission comprising an input shaft (7); a flywheel (9) integral with the input shaft; a drive assembly having a drive pulley defined by a first half-pulley (3) and a second half-pulley (4) which define a groove of variable width for a V belt (2); friction clutch means (8, 9A) interposed axially between said first half-pulley (3) and said flywheel (9); a centrifugal actuating assembly (17) comprising a centrifugal actuating device (21/23) controlling said clutch means (8, 9A) and for setting said clutch means to a torque-transmission condition in response to an angular speed value of said input shaft greater than a first threshold value, so as to connect said drive pulley angularly to said flywheel (9), and a speed regulating device (22) for moving said second half-pulley (4) axially with respect to said first half-pulley (3) to adjust the width of the groove of the drive pulley in response to variations in the speed of said input shaft, and push means (23) (It is inherent that the speed of the shaft includes a first value to connect the pulley of the

flywheel and a second value where the speed adjusting means would be active that is higher than the first value).

Re claim 2, said drive assembly comprises a sleeve (6) fitted to said input shaft (7) in axially free manner and in angularly free manner at least in one relative rotation direction; said first half-pulley (3) being fixed with respect to said sleeve (6); and the second half-pulley (4) being fitted in sliding manner to said sleeve (6).

Re claim 3, said clutch means (8, 9A) comprise a friction disk (8) interposed axially between said first half-pulley (4) and said flywheel (9).

Re claim 4, said actuating device (21/23) comprises a number of auxiliary weights (22) rotating integrally with said input shaft (7); said push means (23) being interposed between said auxiliary weights (22) and said sleeve (6) to move said first half-pulley (3) towards said flywheel (9) and to grip said friction disk (8) between said flywheel (9) and said first half-pulley (3).

Re claim 8, comprising a torque-sensitive compensating device (3,12) acting between said half-pulleys (3,4).

Re claim 9, said second half-pulley (4) is fitted to said sleeve (6) to slide within limits defined by said compensating device (3,12).

Re claim 12, comprising a free wheel (15) interposed between said input shaft (7) and said sleeve (6).

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Gambini reference fails to meet the limitations of the claims because it fails to disclose the push means acting on the first pulley and does not transmit any force through the belt while engaging the clutch. It is agreed, but the limitation is not in the claim.

It is also argued that Gambini fails to disclose a first and second speed threshold value. As stated above, the speed of the shaft includes a first value to connect the pulley of the flywheel and a second value where the speed adjusting means would be active, which is higher than the first value.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 3682

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vicky A. Johnson 4/1/87
Primary Examiner
Art Unit 3682



*Approved
my 4/1/07*

Fig.1

